

# 22<sup>nd</sup> NAVAJO NATION COUNCIL



## Navajo Nation Council Fall Session Report

Speaker Johnny Naize

October 15, 2012

Yá'át'ééh my fellow colleagues of the 22nd Navajo Nation Council, President Ben Shelly, Vice President Rex Lee Jim, Chief Justice Herb Yazzie, chapter officials, federal, state, county leadership, staff, and guests in the gallery.

Thus far it has been my honor to serve as the Speaker of this Navajo Nation Council, where I have had the distinct vantage point of seeing how you adapted and responded to the shifting and fast approaching challenges of our great nation. This council has certainly proved its versatility.

Upon taking office, we demonstrated a council of *composure and vision* when we successfully transitioned to a smaller, accountable, and transparent council with the Title II Amendments. Then we demonstrated a council of *diligence* when we approved the Fiscal Year 2011 Comprehensive Budget while simultaneously tackling the mounting issues of the nation. Soon thereafter, this council demonstrated a body of fiscal *prudence* by producing its own comprehensive budget for fiscal year 2012.

Most recently, this council demonstrated the role and responsibility of a *listener*, a characteristic of true leadership, when you decided on the people's rights—their water rights. And finally, this council demonstrated itself as a *patient* legislature when it found ways to adjust and maneuver the unforeseen obstacles that stood between the nation and a Fiscal Year 2013 Comprehensive Budget.

In less than 24 months, this council has adopted three fiscal year comprehensive budgets, prevented hundreds of Diné students from displacement via impending state budget cuts, and preserved health care coverage for thousands of Diné citizens via federal Medicaid exemption approval. I know I can rely on council to encounter other issues with the same characteristics because their advocacy is for those citizens who need it most. Honorable

Delegates, I am proud to have personally witnessed this council repeatedly rise to the occasion and perform beyond expectation.

What follows is evidence of this Council's ability to meet expectations, especially as it relates to the inherent call for independent and improved leadership resulting from the reduction of the Navajo Nation Council. With only twenty-four members, each of your actions means so much more than before.

### **BUDGET & FINANCE COMMITTEE**

Honorable Council Delegates, I applaud your success in achieving a Navajo Nation Fiscal Year 2013 Comprehensive Budget. From the very outset the odds were against us because of the short timeframe, particularly as it related to the requirement that all programs, divisions, and branches produce a 5-year strategic plan for FY 2013 that would aggregate to an overall Navajo Nation strategic plan. It was an aggressive plan with limited time to respond.

Moreover, the unforeseeable problems—such as the unexpected knowledge that the Four Corners Power Plant would shut down a year early, thereby reducing the Nation's revenue projections significantly—curtailed what progress was being made with the budget process. Although this shift in attention caused considerable delay, I believe what ensued, including diligent study and critical analysis, proved to be very useful in efficiently vetting both a possible continuing resolution and comprehensive budget.

It is incumbent upon each of us to examine how the law assists the public and guides the elected leadership in order to achieve the best outcome for the health and welfare of the people. Based on such examinations, it is the responsibility of the leadership to exercise reasonable judgment and action. Given the unique challenges that were before the council, I assert that the actions relating to the three waivers approved by council were necessary in order to achieve a comprehensive budget.

Honorable members of the Budget and Finance Committee and the Navajo Nation Council, again, I applaud your resilience and resolve to do what was necessary to meet the challenges we were elected to.

### **HEALTH, EDUCATION, & HUMAN SERVICES COMMITTEE**

When it comes to ensuring that Diné people are receiving health care that is responsive to our unique cultural and traditional values and beliefs, I must recognize the Health, Education, and Human Services Committee for taking time to travel to Utah on

September 12. HEHSC took the time to sit down with the staff from the Montezuma Creek Community Health Center to learn more about how the unique health care needs of Utah Navajos are being met.

It was by the urging of Council Delegate Kenneth Maryboy that the spotlight was placed on the innovative health care services that are being provided to our Navajo relatives living on the Utah Strip. Like Delegate Maryboy, I, too, realize that in this region of our Nation, there are many traditional Navajos who prefer to see a traditional medicinal practitioner for holistic healing. It is encouraging to know that in Utah, Navajo patients who qualify for specific medical benefit programs have the option to receive \$100 to put toward their payment for traditional healing ceremonies designed to address their health care needs.

Recognizing that some patients may require lengthier and more intricate ceremonies, which are often more costly, Council Delegates Maryboy and Jonathan Hale, requested for the Utah Navajo Health System, Inc. administrators to work in conjunction with the committee to lobby for additional federal funds from Congress for the purposes of increasing the insurance benefit amount for those patients who may need extensive ceremonies to restore their holistic health.

Continuing on matters pertaining to health, it is this committee that has been active and involved in spreading awareness to the Nation concerning two very serious diseases that warrant the attention of the Navajo people: Rocky Mountain Spotted-Fever and the Human Immunodeficiency Virus, or HIV.

I applaud the efforts of Council Delegate Jonathan Hale, HEHSC chair, in working committedly with the Navajo Health Education Program to obtain additional funding needed to educate Navajo people about HIV and encourage them to know what their status is by taking an HIV test.

In the same regard, this committee has assisted the Foreign Animal Disease Task Force in getting information to the Navajo people on prevention of Rocky Mountain Spotted-Fever. As cold autumn and winter months set in, I encourage all Navajo families to take time to clean up around their homes and eliminate places where ticks can hide.

#### **LAW & ORDER COMMITTEE**

I often take pride in recognizing how vast and expansive our Navajo Nation is, but in the same respect, our Nation's sheer geographic size also poses a challenge for our dedicated Navajo Nation police officers who stretch themselves thin providing public safety and protection services across long distances within the Nation.

The Law and Order Committee has worked tirelessly and consistently to increase the presence of law enforcement officers in Navajo communities through the establishment of cross-commissions agreements with several county law enforcement agencies in Arizona, New Mexico, and Utah.

These cross-commissions agreements will allow county deputies to enforce laws and make arrests on the reservation when Navajo police officers are not immediately nearby to respond to calls. Moreover, Navajo officers will have the authority to arrest non-Indian law violators within the reservation.

I realize that often times, it can be difficult to coordinate meetings with multiple entities, so I appreciate the diligence with which this committee is staying on top of the correspondence with these county law enforcement agencies to ensure that dialogue and progress on finalization of these agreements does not stall.

On September 19, the committee hosted a productive information exchange meeting with Law and Order Committee representatives from the Oglala Sioux Tribe, who traveled from their homelands in South Dakota. This was the delegation's second visit with our Navajo Law and Order Committee.

I take great pride in knowing that our Nation is in a position to help other tribal nations develop and improve their systems for public safety, law enforcement, and judicial tribal courts. I must praise the efforts of Council Delegate Edmund Yazzie and other council delegates belonging to the committee he chairs for their beliefs in providing guidance where it is needed. I applaud them for working to strengthen public safety and law enforcement entities across Indian Country.

Lastly, it is encouraging to note the suggestions that this committee has provided to the Ethics and Rules Office to ensure that elections candidates are informed through workshops of the ethics rules and requirements they are held to when serving in elected positions.

Our people deserve to have leaders who are held accountable for their actions while in office, and this committee is doing a fine job of drafting legislation that will enforce consequences for leaders who may break rules and regulations.

### **RESOURCES & DEVELOPMENT COMMITTEE**

Finally, I would like to express admiration for my honorable colleagues from the Resources and Development Committee, who have gone to considerable lengths over these past few months to create public forums in which Diné citizens were able to freely

and openly express their thoughts and concerns on important matters that impact the nation's natural resources, environment, and economic development.

In July, this committee held a public meeting in which over 300 Dine people from across the Nation convened at the Fire Rock Casino for three days to dialogue and develop solutions to address the dire problem our Nation faces with high numbers of feral livestock and the devastation it has caused to our land.

The feedback from participants in this public meeting on grazing has been overwhelmingly positive, and the people have expressed that this is the type of public consultation that is needed in order to find alternatives to grazing issues and the impacts that arise.

Most recently, the committee organized a very successful Nation Building Summit from August 21-24 in coordination with Dine College at its main campus in Tsaile where, again, over 300 people arrived daily to speak from their perspectives on a multitude of issues tied to infrastructure development on our great Nation.

I firmly stand with Council Delegate Katherine Benally and members of the RDC in their belief of directly involving the people to actively participate in and contribute to the decisions that will ultimately benefit our Diné children, grandchildren, and those who are yet to be born.

It is these types of inclusive grassroots level discussions that lay down a fortified framework for the prosperous and responsible development of our nation. In the planning of the Nation Building Summit, Delegate Benally believed deeply in the Diné people to discuss and plan for the Nation's future. She had stated, "The Diné people have strong ideas of what their needs are, and they have a vision for viable growth in their communities."

I have stated repeatedly that the Navajo people should be in the driver seat as far as deciding how our nation will develop. While the topic of the use of a percentage of the principal from the Permanent Trust Fund is a controversial one, the discussion must be had with the Diné people. It is their money and it is their decision to make as to how it should be used.

I commend Delegate Benally and RDC members for exercising the foresight and the courage to confront these.

## ENERGY TASK FORCE

Of paramount concern to the Navajo Nation are the uncertainties in the energy industry. While the EPA is supposed to take into consideration the regional economic impacts of its proposed rulings, I feel that was not the case in the latest rulings that are affecting the power plants within our Nation.

The income derived from these resources represents over half of our Nations revenues, hundreds of or Nations highest paying jobs, and a significant amount of supporting businesses. While these power plants are working to mitigate damages caused by these rulings, which are causing the shutdown of half of their facilities, we are continually fearful of future rulings in the form of added environmental measures and possible carbon taxes. These measures may ultimately shut down the remaining facilities and jeopardize our ability to effectively govern the affairs of our Nation.

While there is some talk of alternative fuel sources, these do not represent viable alternatives for the revenue we may lose. Natural gas facilities built at these elevations would produce less energy per BTU than at lower elevations, which makes it less competitive and it would generate less than half the jobs of coal fired facilities. For the Nation, natural gas is also less abundant than coal.

Additionally, renewable resources are even less competitive and only available to the grid by way of heavy subsidies. Eventually technology will bridge this gap but such technology will also move renewable energy generation away from the grid and closer to the end user which means less revenue for our Nation.

While we support the advent of cleaner sources of energy generation, this transition should not come at such great and terrible losses to our Nation while the United States experiences a mere fraction of these impacts.

The Naa'bi'iyati' Energy Task Force has diligently responded to the pending year-early shutdown of units 1, 2, and 3 at the Four Corners Power Plant as a result of U.S. EPA's ruling to implement Best Available Retrofit Technology (BART), a costly remediation measure forcing power plants to either incur hundreds of millions of dollars of retrofit costs or simply shutdown.

The task force, through a series of meetings with Navajo Nation stakeholders, representatives from the Arizona Public Service, the BHP Navajo Coal Company, and others, has advocated preserving the jobs of our Navajo workers and the future of the nation's investments. While much of these discussions are held in confidence due to on-

going contract negotiations, I want all who share concerns on this matter to know that we, as a task force, are assessing our options and preparing to respond as necessary.

### WATER RIGHTS TASK FORCE

After approximately 20 years of litigation and settlement efforts over the Little Colorado River, the council disapproved the proposed settlement this past summer. But, it was not without asserting direction, vision, and authority over the matter. Honorable colleagues, I commend you for your diligence in this effort. I praise you for continuing to advocate where appropriate for sufficient and equitable water rights so our grandchildren's grandchildren can live in prosperity.

Presently, the 9 member Naa'bik'iyati' Water Rights Task Force is examining the critical issues that proved to be prohibitive to council approving the proposed settlement. Such an effort will help in asserting to other settlement parties where the nation stands. The task force is re-examining the original settlement and, in due time, will bring forth alternative language for the various parties of the settlement to consider. With the efforts of this task force, I am very confident that we will be better positioned and prepared to seize opportunities when arise.

### FORT WINGATE MILITARY DEPOT

Since the last report, the negotiation for the division of the Fort Wingate Army Depot has made some progress but not enough to close the deal. In June, I made a trip to Washington, D.C. for a hearing on HR 4187, "Return of Certain Lands At Fort Wingate to the Original Inhabitants Act," and testified that the legislation was not in the best interest of the Nation.

Since that meeting, the task force has been actively engaged in discussion and was recently invited back to D.C. to discuss the issue with U.S. Congressional Representatives Ben Lujan, Jr., Steve Pearce, and Don Young (Chairman). I am thankful that Honorable Edmund Yazzie volunteered to represent the task force in D.C. He should be commended for taking the responsibility of advocating and addressing the Fort Wingate issue on behalf of the Nation.

Although, the Zuni tribe has been stiflingly negotiations, there is still an opportunity to bring closure to the decade long negotiation. The task force and legislative staff have been working closely with Navajo Nation departments by implementing all available resources to bring about the best conclusion for the Diné people. Another meeting with

New Mexico Congressmen Lujan and Pearce will be scheduled in the coming weeks to discuss the progress of the settlement.

Leading up to these meetings, the task force is working with impacted communities in order to gather chapter resolutions to further guide the task force leadership to champion the people's priorities. With respect to inter-governmental communication with the Zuni Tribe, the Navajo Nation has sent two correspondences attempting to continue discussions to find a reasonable and fair resolution to this opportunity.

While H.R. 4187 remains active in the legislative process, it is the effort of the task force that will bring the negotiations to an amicable solution for both the Navajo Nation and the Zuni Tribe.

### COMMUNICATIONS

In my last report to council, I outlined the importance of communicating information to the public as a primary function of a participatory government. This continues to be the guiding thought as we continue to diversify and solidify communications outlet and inlets for the legislative branch.

Again, I am happy to report that in the last quarter we saw a steady continuation of press releases on committee activities. For the past few months, I gave the directive to the communications staff to provide stable and consistent coverage on the work committees are doing on a weekly basis. Although we are still on the path to achieving our goal of establishing credibility with Diné citizens, I believe that we are on the path to restoring this relationship and it will only be a matter of continuing to share reliable and timely information.

At the beginning of the fourth quarter, immediately following the conclusion of council's summer session, we saw the inaugural release of Naat'ájí Nahat'á Hane' – Legislative Branch News. The purpose of the publication is to provide a comprehensive overview of the activities that take place during the week of council session. In the summer edition, we emphasized the great and lasting tradition of leadership among our people by honoring and remembering leaders of the past, present, and future.

The responses we received on this new publication were all positive and encouraging. Some individuals also took the time to email suggestions on how we can continue to improve the publication. As always, I am appreciative of when citizens take the time to offers comments on how we can improve their reception of news. You can expect the second edition of the publication the week after this council session.

In the past quarter, we participated in six fairs and parades. I have made it a point to attend these events with the intent of interacting with Diné citizens directly and personally. As the speaker of the council, I have the responsibility of representing the council in public and non-public settings. Interacting with the people is just as important to me as being available during business hours.

Over the course of two months, we interacted with and shared information with thousands of people at the fairs and parades. On the communication front, there is no substitute for direct and personal interaction. It has allowed me the opportunity to hear directly from our nation's citizens. I thank all my colleagues who took the time out their weekends to make themselves available for the people.

Last month, the Navajo Nation Office of Broadcast Services live streamed the September 21 Navajo Nation Council Special Session on the budget so that it was accessible worldwide. Although this was a test run, viewers were able to tune in and observe council proceedings. The feedback that was received from the viewership indicated there is a desire on the part of the people for such a service.

Since this initiative is in line with principles of transparency, we will now be partnering with the Office of Broadcast Services in web streaming council sessions from now until the foreseeable future. It is a monumental moment for our government that our citizens across the Navajo Nation and worldwide are able to view council proceedings from wherever they are. It is a great demonstration on the part of this council to invite our people back to their government through the use of technology.

Lastly, in this quarter we also saw the distribution of the Apple iPads. The purpose of the iPads was to provide council delegates with an additional tool to improve communication, delivery of documents, and reduce cost while increasing efficiency. I was not initially convinced of the idea when it was proposed by my staff. The decision was not a last minute decision but, instead, it was a conversation that occurred over more than a period of six months.

I believe the iPads are a positive move because tablets are a common and accepted technology in schools, government offices, privates businesses, and hospitals. Similar to these entities, our intention was to ensure that we are keeping up and in touch with technological advances so that the people's work is completed more efficiently. I know that over time we will see the positive benefits of the iPads.

In the upcoming quarter, we will begin exploring social media networks and by the end of the quarter we will have implemented these useful tools. Some may suggest that we

begin to use social media outlets immediately but I want to ensure that we approach this powerful avenue of communication carefully and that we have the proper procedures and policies in place. I know a number of you already use social media and I thank you for taking the initiative to keep your communities apprised of committee and council activities. You can also expect to see some improvements to our website and starting in mid-November we will begin issuing a monthly document detailing legislations that are currently active.

### **U.S. DEPARTMENT OF INTERIOR – FORMER BENNETT FREEZE AREA**

On Friday September 27, Secretary Ken Salazar of U.S. Department of Interior visited the Navajo Nation to inform the nation of the \$43 million financial assistance being awarded to the Navajo Nation for the design and construction of a portion of the Navajo-Gallup Water Supply Project. The meeting presented an opportunity for you and I to share some of our most pressing concerns with Secretary Salazar. I thank you for your participation in this meeting and for advocating on behalf of the Nation and its citizens.

As you are aware, I took the opportunity to point out the problems faced by families in the Former Bennett Freeze Area. In conjunction with the Navajo-Hopi Land Commission, a statement was prepared and read to Secretary Salazar. In the statement, we asked for the Secretary's help to develop the Former Bennett Freeze Area, which would include at least 1000 homes to over 10,000 individuals.

I also informed Secretary Salazar that we are in early discussions with Congress on possible ways to bring ONHIR to closure, while simultaneously speeding up the delivery of benefits to relocatees. I also informed Secretary Salazar that the nation needs the Bureau of Indian Affairs to increase its resources to this area. Finally, I asked that funding also be increased for ONHIR and that the functions of ONHIR be realigned so it can assist families in the Former Bennett Freeze Area since no Federal agency is set up for that purpose.

### **NEW PERSONNEL APPOINTED TO KEY POSITIONS**

In order to solidify key legislative positions for the duration of the 22<sup>nd</sup> Navajo Nation Council, I have made new appointments and I put in motion the confirmation of such selections for your consideration.

Most recently, I have selected Mrs. Heather Anderson-Clah to serve as Acting Chief Legislative Counsel of the Office of Legislative Counsel, who of course is subject to confirmation by the members of the Navajo Nation Council. I have placed a tremendous amount of confidence and trust in Ms. Anderson-Clah (1) to maintain the outstanding

performance of the Office of Legislative Counsel as led by Mr. Ed McCool over the past two years, and (2) to meet the high expectations of this council going forward.

With respect to the position of Director of the Office of Legislative Services, I have selected Mr. Tom Platero to lead our legislative committee support staff. As you may know, Mr. Platero brings extensive administrative experience as of serving as the Executive Director of the Navajo Department of Transportation and Principal Analyst with the Navajo Nation Workforce Development. I trust that his attention to detail, tremendous work ethic, and proven diligence will complement the established direction and priorities of the Navajo Nation Council.

Thirdly, I have introduced legislation to confirm Ms. Elizabeth Begay, to serve as the Navajo Nation's Auditor General. This particular role within our government, as you know, is crucial to ethical mandates and performance obligations we all accept as officials for the Nation. It is without hesitancy that I support Mrs. Begay's candidacy for council's confirmation.

Finally, I would like to take this opportunity on behalf of the Navajo Nation Council to express our sincere well wishes and prayers for a speedy recovery to Mr. Vernon Roanhorse. Mr. Roanhorse, Executive Director of the Office of Ethics & Rules in the Legislative Branch, recently sustained injury that will keep him out of the office for an extensive period of time.